

S.B.CRIMINAL MISC. BAIL APPLICATION NO.5788/2007

(Khan Mohd. & Ors. vs. State of Rajasthan)

DATE OF ORDER : December 12, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Pradeep Shah, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.
Mr.P.R.Choudhary, for the complainant.

Learned counsel for the petitioners submits that he does not want to press the bail application filed by petitioners No.2 Neke Khan, No.3 Alarakh, No.4 Nene Khan alias Haidar Khan and No.5 Gulam Rasool.

The bail application filed by petitioners No.2 Neke Khan, No.3 Alarakh, No.4 Nene Khan alias Haidar Khan and No.5 Gulam Rasool is, therefore, dismissed as not pressed.

However, so far as petitioner No.1 Khan Mohd. is concerned, it is contended by the learned counsel for the petitioners that he himself suffered number of injuries and one of the injuries suffered by him on his left temporal region was found to be dangerous to life.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case and the fact that petitioner No.1 himself suffered number of injuries, one of which was found to be dangerous to life, I consider it just and proper to grant anticipatory bail to petitioner No.1 Khan Mohd.

Accordingly, the bail application filed by petitioner No.1 Khan Mohd. under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner No.1 Khan Mohd. s/o Ali Khan in FIR No.37/2007, P.S. Sankda, Distt. Jaisalmer, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

- (i) That he shall make himself available for interrogation by a police officer as and when required;
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
- (iii) That he shall not leave India without the previous permission of the Court.

Petitioner No.1 Khan Mohd. shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-